

Greetings:

As returning Chair of the Youth Justice Council, I take pleasure in presenting our Annual Report summarizing the activities of the Council and the programs funded by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) Title II Formula Block Grant, Title V Formula Block Grant, and the Juvenile Accountability Block Grant. Data tracking the progression of juvenile delinquency prevention and accountability efforts in Montana is also included in this report.

Montana continues to provide local and state agency leadership and direction in supporting programs that provide prevention, intervention, accountability, and restorative justice best practices as identified by OJJDP. These efforts continue to decrease delinquency and recidivism as well as provide an environment for rehabilitation. As Montana's youth continue to struggle with mental health issues, neglect, violence, and chemical dependency, the Youth Justice Council will continue our vigilance in sustaining programs that serve youth and their families in making positive changes in their lives.

Montana is continuing to show National leadership in Juvenile Detention Alternative Initiative (JDAI) efforts. Since becoming an official JDAI site with the Annie E. Casey Foundation in 2008, Montana has formed data analysis criteria; developed a Risk Assessment Instrument (RAI) to pilot on JDAI sites to determine whether a youth should be held in detention or released with another monitoring option; and has added Yellowstone County, Fort Belknap Reservation, Rocky Boys Reservation and Fort Peck Reservation to its list of participants. The original pilot sites included Hill County, Cascade County, and Missoula County. We look forward to seeing another year's progress in JDAI efforts.

The Do the Write Thing Challenge for middle school students around the state is in its second year. This writing challenge, supported by Governor Schweitzer, gives Montana middle school students a voice to address youth violence and what they can do to stop it. This program is sponsored by the Kuwait America Foundation and funded through Title II grant monies. We had two outstanding representatives who went to Washington DC in July of 2008 and added their voices against youth violence to other voices from around the Nation.

As Montana moves forward in addressing juvenile justice issues, I would like to take this opportunity to thank the members of the Youth Justice Council, Montana Board of Crime Control, and dedicated community leaders for volunteering their valuable time and experience to help make a quantifiable difference for Montana's children.

Sincerely,



Pamela B. Kennedy

2008-09 Programs

Title II Formula Funding

- ❑ JDAI Missoula County 4th Judicial Dist-Missoula County
- ❑ Hill County Alternatives to Detention-Hill County
- ❑ Reducing Disproportionate Minority-Cascade County
- ❑ CRJ's Balanced and Restorative Justice-Missoula
- ❑ Storytelling for Empowerment-Townsend Schools
- ❑ Storytelling for Empowerment-Flathead Reservation/Lake County
- ❑ MT 7th Judicial District Youth Treatment Court-Sidney
- ❑ Youth Quest-Anaconda PCA Family Resource
- ❑ Truancy Intervention Program-Anaconda
- ❑ Bitterroot Venture Bitterroot Ecological Awareness-Hamilton
- ❑ InnerRoads Mentoring Expansion Project-Missoula Youth Homes Inc
- ❑ Rocky Boy Niyawh Project-Chippewa Cree Tribe
- ❑ Making Restorative Justice a Priority-Kalispell

Title V Formula Funding

- ❑ Children of Incarcerated Parents-Yellowstone County
13th Judicial District

Juvenile Accountability Block Grants

- ❑ Concentrated Supervision Program-Montana 17th Judicial District
(Phillips, Blaine, and Valley Counties)
- ❑ City of Conrad Community Services Program-City of Conrad
- ❑ Community Service Supervision/Probation-Dawson County
7th Judicial
- ❑ Tri-County Juvenile Accountability Project-Sheridan County
- ❑ Accountability Enforcement Program-Flathead County
- ❑ Juvenile Accountability Management Program-Madison County
- ❑ Juvenile Accountability-Meagher County
- ❑ Juvenile Accountability Program-Poplar Police Department
- ❑ Juvenile Accountability-Missoula County 4th Judicial

The Youth Justice Council

- ❑ Develops annual plans to implement the objectives of the OJJDP Act and to promote the development of an effective and coordinated juvenile justice system in the State of Montana.
- ❑ Consults on funding for grant applications pursuant to the OJJDP Act in a manner consistent with the State's Three Year Plan and forwards funding recommendations to the Board of Crime Control.
- ❑ Advises the Governor, the legislature and the MBCC on Juvenile Justice matters and performs other duties as assigned by the Governor, Legislature, and MBCC.

YJC Members

Pam Kennedy-Chair	Rosie Buzzas	Dennis Dronen
Donna Falls Down	Dale Four Bear	Chantelle Gournay
Hon. Pedro Hernandez	Tara Houde	Penny Kipp
Jennifer Kistler	Ted Lechner	Father Jerry Lowney
Joy Mariska	Kim Miller	Wayne Stanford
Katie Yother	Teri Young	

Mandates

The Juvenile Justice and Delinquency Prevention Act of 2002 compels states to staff a Youth Justice Council, Juvenile Justice Specialist, and comply with the four core requirements in order to be eligible to receive federal funding. Montana continues to be in full compliance of the four core requirements.

The Four Core Requirements

- ❑ Deinstitutionalization of status offenders and non-offenders (**DSO**)
- ❑ Elimination of detention or confinement of juveniles in adult jails and lockups (**Removal**)
- ❑ Sight and sound separation of juveniles from adults in secure facilities (**Separation**)
- ❑ Reduce the disproportionate number of juvenile minority members who come into contact with the juvenile justice system (**DMC**)

Law and Justice Interim Committee

YJC White Paper

The Youth Justice Council, in conjunction with their three-year planning process for prioritizing Office of Juvenile Justice and Delinquency Prevention block grant funding in Montana, met and put together a White Paper for the Law and Justice Interim Committee this Summer. They wanted to highlight the key issues they identified in their three-year planning process and express those concerns to the Committee for further consideration. A highlight of those recommendations is as follows:

Recommendations to the Law and Justice Interim Committee

A White Paper

Respectfully submitted by the Youth Justice Council
September 12, 2008

The Youth Justice Council (YJC) is a Governor-appointed advisory body mandated under the Federal Juvenile Justice and Delinquency Prevention Act (JJDP) and established under Executive Order by the Governor. The YJC provides leadership around policy and planning on juvenile justice issues. This position paper reflects three key issues and the parallel recommendations identified by the Youth Justice Council to address those issues.

Detention Reform

Concern 1: Overreliance on juvenile detention

Recommendation: Continue to monitor and support the three existing Juvenile Detention Alternatives Initiative (JDAI) pilot sites to demonstrate that jurisdictions can establish more effective and efficient juvenile detention systems. [For more information the JDAI see full White Paper Appendix 1.]

Annie E. Casey Foundation JDAI Objectives

- Eliminate inappropriate or unnecessary use of secure detention.
- Minimize failures to appear and incidence of delinquent behavior.
- Redirect public finances to support successful reform strategies.
- Improve conditions in secure detention facilities.

Concern 2: Lack of legal representation for juveniles during the Probable Cause (detention) Hearings

Recommendation: The YJC supports legal representation/legal counsel for juveniles in all Probable Cause Hearings, consistent with SB91.

Concern 3: Lack of Chief Juvenile Defender

Recommendation: The YJC supports the Office of the State Public Defender in its recommendation to create the position of Chief Juvenile Defender. This would provide standardized representation across the state with oversight from the highest levels.

Concern 4: Lack of juvenile-specific career specialties

Recommendation: The YJC supports the Office of the State Public Defender in its desire to establish *Juvenile Defense* as a career specialty for attorneys. The YJC recommends mandated, juvenile-specific training for Special Masters or Judges.

Mental Health Issues

Concern: Many youth with mental health issues enter the juvenile justice system due to lack of early identification and appropriate intervention.

Recommendation: Develop and fund regional assessment centers for youth, where screening and assessment is made accessible for youth with mental health and behavioral issues. Ensure that the regional assessment centers are open to all referral sources (e.g., schools, parents and community agencies). [For more information on Juvenile Assessment Centers, see full White Paper Appendix 2.]

Recommendation: Ensure that assessments are accomplished for the holistic continuum of needs associated with youth (e.g., physical health; developmental disabilities; family issues; and/or co-occurring mental health, drug or alcohol issues). All youth services should be geared toward parallel support of families.

Recommendation: Identify and develop a dedicated, sustainable funding source targeted to proactive screening, assessment, and assessment centers.

Juveniles in Adult Courts

Concern 1: Youth languish in detention awaiting multiple hearings and transfer orders, contrary to successful outcomes.

Concern 2: Significant public cost is attached to juvenile cases filed in District Court. In addition to the cost of housing youth for the extended detention stays, public funds are used to compensate for time and resources dedicated by county attorneys, public defenders, judges, juvenile probation officers, and other court staff.

Concern 3: Recent research on brain development indicates that the prefrontal cortex is not mature until the mid-20s. This part of the brain has been dubbed “the area of sober second thought.” Prior to maturity, teenagers can lack the ability to control impulse and make sound judgments. [An overview of recent brain research has been included in the full White Paper Appendix 3.]

Concern 4: Prosecutors lack flexibility and discretion when a 17-year-old youth commits any of the offenses enumerated in 41-5-206 (1). [The text of 41-5-206, Subsections 1 and 2 have been included under the full White Paper Appendix 4.]

Recommendation: Provide more flexibility for prosecutors to act in the best interests of the youth by changing the language of the current Statute from “*shall file* in district court” to “*may file* in district court.”

Do the Write Thing

The Do the Write Thing Challenge is in its second year, and we look forward to seeing the writings that will be submitted this March. It is an invitation for 7th and 8th graders statewide to take a voice against youth violence by identifying how it has affected their lives and what they can do to prevent it. It is a challenge that is offered at a critical transition time in their lives, an invitation to take an active role in creating the environment in which they want to live.

The Challenge originated as a response from Kuwait businessmen after the United States helped to liberate Kuwait in Operation Desert Storm in 1991. Kuwait’s citizens were grateful to the United States of America for their efforts and sacrifices in restoring Kuwait’s freedom. They formed the Kuwait America Foundation. The most poignant effect from the war in Kuwait, for Kuwaiti citizens, was the impact that the violence had on Kuwait’s children. Kuwaiti children had never experienced violence of this capacity before and many literally became orphans overnight. The Kuwait America Foundation wanted to sponsor a challenge that would help empower children to take a voice against violence in the United States. Thus, the Do the Write Thing Challenge was created.

In July of 2008, Michael Nelson of Missoula and Emily Haggard of Reed Point were the first Do the Write Thing representatives from Montana to attend the Do the Write Thing National Challenge week in Washington DC. They shared their voices against violence with peers from around the country. Their works were published and placed in the Library of Congress. Michael’s vivid poem about his Mother and her fight against alcohol abuse was so well received that he was interviewed by CNN’s John Roberts at the Celebration Recognition Dinner. Michael’s poem inspired his Mom to stop drinking for good. Michael’s Mom continues to do well and is promoting the Do the Write Thing Challenge in Missoula and surrounding communities.

We were overwhelmed by the quality of the writings we received, the dedication of the teachers who promoted the contest, the participation of the parents of the ten state finalists, and the enthusiastic participation of volunteers who made the challenge such a successful, moving event.

Juvenile Detention Alternative Initiative (JDAI)

Since becoming an official Annie E. Casey JDAI site in 2008, the JDAI pilot sites have developed a Risk Assessment Instrument (RAI) to be tested on JDAI pilot sites in 2009. This instrument will evaluate the need for a youth to be put in detention, and divert low risk youth to alternative methods of monitoring. The pilot sites continue to make progress on data collection and analysis to get a clear, consistent view of the youth that are being placed into detention and to share that data across

agencies. Pilot sites are now starting to use data to invite other key stakeholders in their communities to participate.

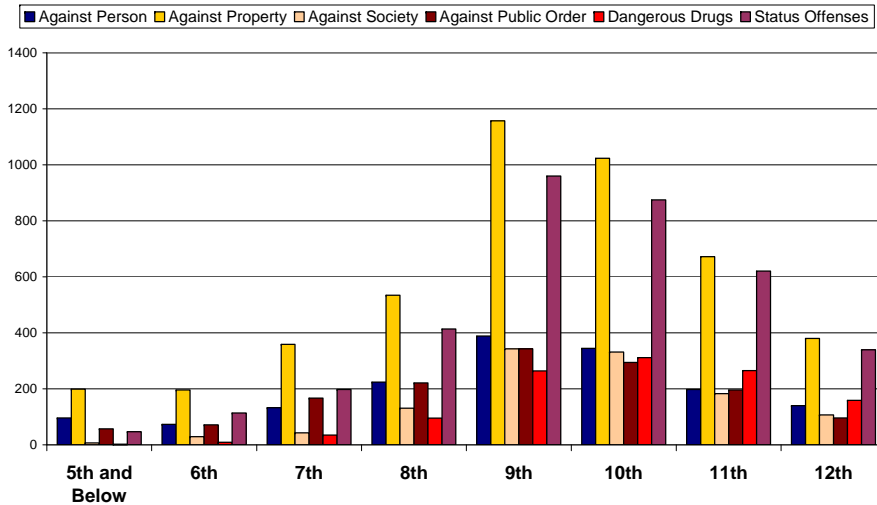
In addition, Billings, Fort Peck Reservation, Fort Belknap Reservation, and Rocky Boys Reservation have all become official JDAI pilot sites under Annie E Casey as well. This is a positive step in addressing the Disproportionate Minority Contact (DMC) in Montana.

Montana pilot site participants are planning model site visits to evaluate and plan alternatives to detention of youth that will work in Montana's unique environment. They are planning to seek funding to implement alternative programs by 2010.

Current Data

The following data tracks the latest trends in juvenile justice.

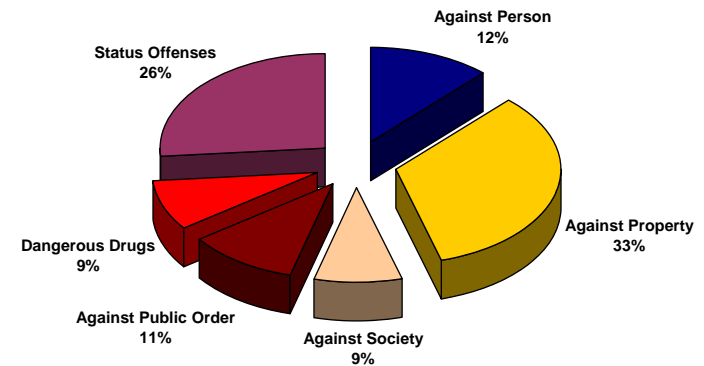
Grade Level by Offense Category -- 2007



Source: Juvenile Courts Accountability Tracking System. Office of the Montana Supreme Court.
Juvenile Probation Office

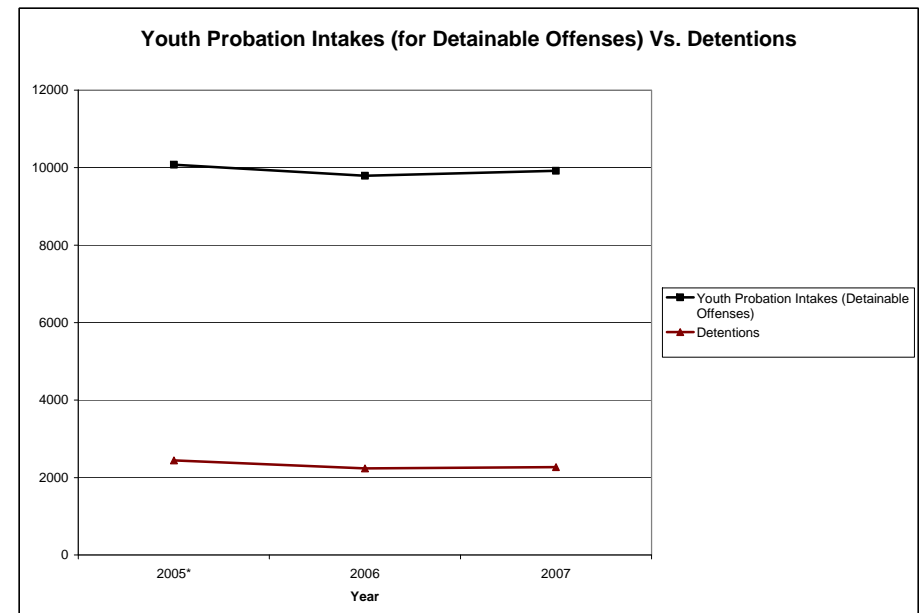
The preceding chart shows the types of crimes that are committed by 5th-12th grade juveniles. This shows a critical need for prevention programs in the 5th and 6th grade and intervention programs starting in the 8th grade.

Offense Category as Percentage of all Offenses -- 2007



Source: Juvenile Courts Accountability Tracking System. Office of the Montana Supreme Court.
Juvenile Probation Office

The above chart is a breakdown of crimes committed by 5th-12th graders.



The chart above is a baseline. JDAI was implemented in February of 2008. If the JDAI philosophy is effectively applied, a decrease in the number of detentions should occur first. Secondly, as a result of the implementation of data-driven alternative programs, a decrease in the number of youth probation intakes should start to occur after detentions start to decrease. The progress of JDAI efforts will be available on the MBCC website.